

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thomas Juliano	Team: Squad #13	CCRB Case #: 201901451	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 02/18/2019 10:00 PM	Location of Incident: West 121st Street and Adam Clayton Powell Boulevard; 28th Precinct stationhouse	Precinct: 28	18 Mo. SOL 8/18/2020	EO SOL 4/4/2021	
Date/Time CV Reported Tue, 02/19/2019 9:55 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 02/19/2019 9:55 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Ian Abramowitz	00891	941307	028 PCT
2. POM Rusty Garcia	24538	933796	028 PCT
3. SGT Thomas Helly	4955	945810	028 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Rusty Garcia	Discourtesy: At West 121st Street and Adam Clayton Powell Boulevard in Manhattan, Police Officer Rusty Garcia spoke discourteously to § 87(2)(b)	
B.POM Ian Abramowitz	Force: At West 121st Street and Adam Clayton Powell Boulevard in Manhattan, Police Officer Ian Abramowitz used physical force against § 87(2)(b)	
C.POM Rusty Garcia	Force: At West 121st Street and Adam Clayton Powell Boulevard in Manhattan, Police Officer Rusty Garcia used physical force against § 87(2)(b)	
D.POM Ian Abramowitz	Off. Language: At West 121st Street and Adam Clayton Powell Boulevard in Manhattan, Police Officer Ian Abramowitz made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
E.POM Ian Abramowitz	Discourtesy: At the 28th Precinct stationhouse, Police Officer Ian Abramowitz spoke discourteously to § 87(2)(b)	
F.POM Ian Abramowitz	Force: At the 28th Precinct stationhouse, Police Officer Ian Abramowitz used physical force against § 87(2)(b)	
G.SGT Thomas Helly	Abuse: At the 28th Precinct stationhouse, Sergeant Thomas Helly forcibly removed § 87(2)(b) to the hospital.	
H.SGT Thomas Helly	Abuse: At the 28th Precinct stationhouse, Sergeant Thomas Helly threatened to arrest § 87(2)(b)	

Case Summary

On February 19, 2019, § 87(2)(b) a reporting non-witness, filed this complaint with the CCRB over the phone on behalf of his son, § 87(2)(b). On March 11, 2019, a duplicate complaint was received from IAB.

On February 18, 2019, § 87(2)(b) was standing outside of a store located at the intersection of West 121st Street and Adam Clayton Boulevard in Manhattan on a Facetime call. § 87(2)(b) hung up, entered the store and encountered PO Ian Abramowitz and PO Rusty Garcia of the 28th Precinct. PO Garcia asked § 87(2)(b) "What the fuck, are you recording our vehicle?" (**Allegation A: Discourtesy** – § 87(2)(g)). PO Abramowitz and PO Garcia grabbed § 87(2)(b) by the chest and pushed him out of the store (**Allegations B and C: Force** – § 87(2)(g)). PO Garcia's BWC shows PO Abramowitz call § 87(2)(b) a "bitch" and a "pussy" (**Allegation D: Offensive Language** – § 87(2)(g)).

§ 87(2)(b) went to the 28th Precinct stationhouse to file a complaint. PO Abramowitz approached § 87(2)(b) and stated, "Stand the fuck up, you're going to jail today" (**Allegation E: Discourtesy** – § 87(2)(g)). PO Abramowitz placed § 87(2)(b) in handcuffs, brought him to the desk, and searched him. § 87(2)(b) refused to go to the cells without being told why he was being arrested and PO Abramowitz grabbed § 87(2)(b) face and pushed him back toward the cells. (**Allegation F: Force** – § 87(2)(g)). While in the cells, § 87(2)(b) kicked the door cell door approximately 40 times. Sgt. Thomas Helly of the 28th Precinct told § 87(2)(b) that if he continued to kick the cell door that he would call an ambulance. § 87(2)(b) kicked the cell door 10 more times before being removed to St. Luke's Hospital by EMTs, where he was released after 10 minutes (**Allegation G: Abuse of Authority** – § 87(2)(g)). Immediately upon being released, § 87(2)(b) returned to the 28th Precinct stationhouse and began recording. Sgt. Helly told § 87(2)(b) that if he recorded video in the stationhouse that he would arrest him (**Allegation H: Abuse of Authority** – § 87(2)(g)). § 87(2)(b) then left the stationhouse. No arrest or summons resulted from this incident.

BWC footage from five officers, including PO Abramowitz and PO Garcia, was obtained. The footage can be found in IAs 22-30, and summaries of the footage can be found in IAs 88 and 99. (**Board Review 03, 08**)

Findings and Recommendations

Allegation A – Abuse of Authority: At West 121st Street and Adam Clayton Powell Boulevard, Police Officer Rusty Garcia spoke discourteously to § 87(2)(b)

Allegation B – Force: At West 121st Street and Adam Clayton Powell Boulevard, Police Officer Ian Abramowitz used physical force against § 87(2)(b)

Allegation C – Force: At West 121st Street and Adam Clayton Powell Boulevard, Police Officer Rusty Garcia used physical force against § 87(2)(b)

Allegation E – Discourtesy: At the 28th Precinct stationhouse, Police Officer Ian Abramowitz spoke discourteously to § 87(2)(b)

Allegation F – Force: At the 28th Precinct stationhouse, Police Officer Ian Abramowitz used physical force against § 87(2)(b)

Allegation G – Abuse of Authority: At the 28th Precinct stationhouse, Sergeant Thomas Helly forcibly removed § 87(2)(b) to the hospital.

Allegation H – Abuse of Authority: At the 28th Precinct stationhouse, Sergeant Thomas Helly threatened to arrest § 87(2)(b)

Between February 20, 2019 and February 28, 2019, two calls were placed to § 87(2)(b) and voicemails were left after each call. On March 1, 2019, § 87(2)(b) called the CCRB, confirmed his contact information, and provided a phone statement identifying himself as the sole victim in this case. He asked for a few days to consider mediation versus investigation before scheduling an in-person statement and agreed to call back the following Monday, but he failed to do so.

Between March 12, 2019 and March 27, 2019, three additional calls were placed to § 87(2)(b) and voicemails were left after each call. Between February 20, 2019 and March 27, 2019, three unreturned letters were sent to § 87(2)(b)

§ 87(2)(g)

Allegation D – Offensive Language: At West 121st Street and Adam Clayton Powell Boulevard, Police Officer Ian Abramowitz made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

§ 87(2)(b) did not allege the use of offensive language; however, the following exchange was captured on PO Garcia's BWC between 02:21 and 02:49:

§ 87(2)(b) "Suck my dick."

PO Abramowitz: "You gotta (sic) have one first, bitch."

§ 87(2)(b) "Faggot, you's (sic) a faggot. Your mother's a faggot."

PO Garcia: "Come back."

PO Abramowitz: "[undecipherable] bitch."

§ 87(2)(b) "Suck my dick, faggot."

PO Abramowitz: "[undecipherable] Call me a dick. Come over here and say it, you little bitch."

PO Garcia: "We'll be inside."

PO Abramowitz: "You ain't nothing but a pussy." (**Board Review 02, 03**)

PO Abramowitz initially did not recall calling § 87(2)(b) a bitch or a pussy; however, after reviewing PO Garcia's BWC footage, he identified himself as the officer using the offensive language captured in the video. PO Abramowitz called § 87(2)(b) a bitch and told him he was a pussy because he "got a little heated" and described it as "an intense moment." (**Board Review 01**)

Officers are prohibited from using discourteous or disrespectful remarks regarding another person's gender. NYPD Patrol Guide, Procedure 203-10 (**Board Review 04**)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
- PO Abramowitz has been a member-of-service for 13 years and has been a subject in seven additional CCRB complaints and 12 allegations, one of which has been substantiated.
 - 201803511 involved a substantiated allegation of Force – Threat of force. The board recommended formalized training and the NYPD has not yet imposed discipline.
 - PO Abramowitz’s CCRB History reflects three allegations of discourteous language and one allegation of offensive language, all of which were unsubstantiated.
- PO Garcia has been a member-of-service for 15 years and has been a subject in one additional CCRB complaint comprised of one allegation, which was not substantiated. [REDACTED]
§ 87(2)(g) [REDACTED]
- Sgt. Helly has been a member-of-service for 11 years and has been a subject in one additional CCRB complaint and one additional allegation, which was not substantiated. § 87(2)(g) [REDACTED]
[REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] was uncooperative with the investigation, so this case could not be mediated.
- As of July 25, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint. **(Board Review 06)**
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]

Squad No.: 13

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date